

AMENDED IN ASSEMBLY MARCH 27, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member DeVore

February 23, 2007

An act to add and repeal Section 21159.28 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as amended, DeVore. California Environmental Quality Act.: *housing exemptions.*

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects, *including a development project that consists of the construction, conversion, or use of residential housing for agricultural employees if specified requirements are met; a development project that consists of the construction, conversion, or use of residential housing that is affordable to low-income households if specified requirements are met; or a residential project on an infill site within an urbanized area if specified requirements are met.*

This bill would declare the intent of the Legislature to enact legislation to declare a “CEQA Holiday” exemption from CEQA for a period of 5 years for the construction of agricultural employee housing, affordable housing, and urban infill housing projects exempt from CEQA, until January 1, 2013, the construction of housing for agricultural employees, the construction of housing that is affordable to low-income households, and the construction of housing on an infill site in an urbanized area. By imposing new duties on a local agency to determine whether this exemption applies to a project, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Article 6 (commencing with Section 21159.20) of Chapter
4 4.5 of Division 13 of the Public Resources Code, which was
5 enacted in 2002, by Senate Bill 1925, exempts from the California
6 Environmental Quality Act (CEQA; Division 13 (commencing
7 with Section 21000) of the Public Resources Code) a residential
8 project located on an infill site within an urbanized area, that meets
9 specified criteria. The stated intent of the Legislature in enacting
10 those provisions, included “creating a streamlined procedure for
11 agricultural employee housing, affordable housing, and urban infill
12 housing projects that do not have an adverse effect on the
13 environment.”

14 (2) Section 21152.1 of the Public Resources Code, which was
15 enacted by Assembly Bill 677 in 2003, requires a local agency or
16 specified person, when the local agency determines that a project
17 is exempt from CEQA for certain reasons, and it approves or
18 determines to carry out the project, to file notice of the
19 determination with the Office of Planning and Research.

(3) As of January 22, 2007, the Office of Planning and Research has recorded one exemption as being filed as a result of Section 21152.1 of the Public Resources Code, under the “streamlined procedure for agricultural employee housing, affordable housing, and urban infill housing projects.”

(b) Because the streamlined procedures enacted by the legislation specified in paragraphs (1) and (2) of subdivision (a) have not resulted in appreciable construction of shelter, it is the intent of the Legislature to ~~enact legislation declaring~~ declare a “CEQA Holiday” exemption from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), for a period of five years, for the construction of agricultural employee housing, affordable housing, and urban infill housing projects.

SEC. 2 Section 21159.28 is added to the Public Resources Code, to read:

21159.28. (a) This division does not apply to any of the following:

(1) The construction of housing for agricultural employees.

(2) The construction of housing that is affordable to low-income households.

(3) The construction of housing on an infill site, as defined by Section 21061.3, in an urbanized area, as defined by Section 21071.

(b) For purposes of this section, “low-income households” means households of persons and families of very low and low income, as defined in Sections 50093 and 50105 of the Health and Safety Code.

(c) This section shall remain in effect only until January 1, 2013, and of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.